

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:02cr94WJG-4

REGINALD MERRITTS

ORDER DENYING MOTION FOR SENTENCE REDUCTION

THIS MATTER is before the Court on the *pro se* motion [127] of Defendant Reginald Merritts for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) based upon recent amendments to the sentencing guidelines applicable to offenses involving cocaine base, and the subsequent decision by the United States Sentencing Commission to make this amendment retroactive, pursuant to United States Sentencing Guideline section 1B1.10 effective March 3, 2008.

Defendant was sentenced in this cause on April 7, 2003, to 262 months in the custody of the Bureau of Prison, to be followed by a 5-year term of supervised release, and the mandatory special assessment of \$100.00. (Ct. R., Docs. 92, 98.) At sentencing, Defendant was found to be accountable for 166.11 grams of cocaine base as well as a career offender. The United States Probation Office has advised the Court that because of his career offender status, the guideline amendments have no impact on Defendant's total offense level. The Court finds, therefore, that Defendant does not qualify for a sentence reduction under these amendments. It is therefore,

ORDERED AND ADJUDGED that Defendant's motion [127] for sentence reduction be,

and is hereby denied.

SO ORDERED AND ADJUDGED this the 10th day of December, 2008.

Walter J. Ger III

UNITED STATES SENIOR DISTRICT JUDGE